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JAN 26 2006

Attorney Docket OPTOLUM-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JOEL DRY : Group Art No.: 2818
Serial No.: 10/631,027 : Examiner Tu Tu V Ho
Filed: 07/30/2003 :
Title: LIGHT EMITTING DIODE LIGHT SOURCE

Commissioner of Patents and Trademarks
PO BOX 1450
Alexandria, VA 22312-1450

AMENDMENT/RESPONSE

This is responsive to the office action dated 07/27/2005.

REQUEST FOR TELEPHONIC INTERVIEW WITH THE EXAMINER AND
THE EXAMINER'S SUPERVISOR

It is requested that the Examiner make himself available for a telephonic interview along with his Supervising Examiner in the event that the claims in this application are not allowed. It is also requested that the Examiner allow sufficient time for such interview to address the many issues that have been and are raised.

GENERAL REMARKS

At the outset, it is respectfully pointed out that the Examiner is not following the Examination standards as clearly set forth in the M.P.E.P. In addition, it is further respectfully submitted that the Examiner apparently fails to understand or comprehend basic scientific facts and elemental engineering. The result is that the Examiner has not properly considered the claims in light of the references that the Examiner has applied.

The rejections of the claims as set forth in the Office actions are based on 35 U.S.C. 102(b) and 35 U.S.C. 103. In several rejections that were previously presented and which are still presently in the application, the Examiner has combined 35 U.S.C. 102(b) and 35 U.S.C. 103 rejections into a single rejection.

The standards for basing rejections under these two statutory sections are clearly set forth in the M.P.E.P. It is respectfully submitted that the Examiner is not following the examination standards for determination of anticipation under 35 USC 102(b), nor is the Examiner following the examination standards for determination of obviousness under 35U.S.C. 103.